

**REMARKS**

Claims 1 to 5, 6 to 8, 11 and 12 to 26 are pending in the present application. In the above amendments, claims 1, 4 and 7 have been amended, claims 6 and 9 have been canceled without prejudice, and new claims 13 to 26 have been added. Applicant respectfully submits that these amendments and additions are fully supported by the specification and figures as originally filed, including, by way of example, paragraphs [1038], [1040], and [1048]-[1050].

Applicant respectfully responds to this Office Action.

***Claim Rejections – 35 U.S.C. § 103(a)***

Claims 1 to 3, 7 and 12 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,330,456 (“Hashem”) in view of U.S. Patent Application Publication No. 2004/0066772 (“Moon”). Reconsideration and withdrawal of these rejections are respectfully requested.

Hashem and Moon are not seen to disclose or suggest the features of independent claims 1 and 7. For example, Applicant’s claim 1 recites a power control unit operative to generate a power control instruction in response to a link quality estimate, the power control instruction including one or more commands configured to adjust a transmit power of a common channel at a base station. Claim 7 recites measuring a SNR of at least one power control bit for controlling a reverse link, and determining a power control decision for the forward link based on the SNR, wherein the power control decision includes one or more commands configured to adjust a transmit power of the common channel at a base station.

Hashem is seen to be generally directed to a scheme for combining power control commands in a mobile station during soft handoff. *See* Hashem, col. 3, ll. 62-64. As conceded in the Office Action, Hashem fails to disclose a power control instruction received on a common channel, wherein the power control instruction is used to adjust a transmit power of the common channel at a base station. Moreover, Hashem is silent as to a power control unit operative to generate a power control instruction in response to a link quality estimate. The Office Action characterized col. 4, ll. 1-35 of Hashem as disclosing such a power control unit, but Applicant respectfully submits that the cited portion of Hashem is directed to the weighting of multiple power control commands (*e.g.*, in a “soft handoff”). Hashem is simply silent as to the generation of a power control instruction in response to a link quality estimate, let alone a power control

instruction which includes one or more commands configured to adjust a transmit power of a common channel at a base station, as in Applicant's claim 1. Similarly, Hashem is silent as to determining a power control decision for a forward link based on a measured SNR, or to a power control decision including one or more commands configured to adjust a transmit power of the common channel at a base station, as in claim 7.

Moon is not seen to remedy the foregoing deficiencies of Hashem. Moon is seen to be generally directed to a common power control channel transmission device for a base station. *See* Moon, Abstract. Specifically, Moon discloses that the **base station** receives a signal from a mobile station via a **reverse link** common channel, and transmits to the **mobile station** a power control command for controlling a transmission power of the **reverse link** common channel according to a strength of the received signal. *See* Moon, ¶ [0022]. This is entirely unlike claim 1 of the present invention, in which the a power control unit in a **remote station apparatus** generates a power control instruction which includes one or more commands configured to adjust a transmit power of the common channel at a **base station**. Moreover, this is entirely unlike claim 7 of the present invention, in which a power control decision is determined for the **forward link** based on a measured SNR, wherein the power control decision includes one or more commands configured to adjust a transmit power of the common channel at a **base station**. Accordingly, even the hypothetical combination of Hashem and Moon is not seen to disclose or suggest the features of independent claims 1 and 7.

In view of the foregoing, independent claims 1 and 7 are believed to be patentably distinguishable over the applied references, and reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of these claims are respectfully requested.

Independent claims 13, 19 and 25 recite similar features to those described above, and are also believed to be novel over Hashem and Moon for at least the reasons provided herein.

#### ***Claim Rejections – 35 U.S.C. § 103(a)***

Claims 4 to 6, 8, 9 and 11 were rejected under 35 U.S.C. § 103(a) over International Patent Application Publication No. WO 99/53630 ("Knutsson") in view of U.S. Patent Application Publication No. 2002/0105929 ("Chen"). Reconsideration and withdrawal of these rejections are respectfully requested.

Knutsson and Chen are not seen to disclose or suggest the features of independent claims 4, 5 and 8. For example, Applicant's claim 4 recites adjusting a transmission power level of the power control instruction. Claim 5 recites adjusting a power level of the power control instructions. Claim 8 recites determining, in response to receiving a power control instruction on the reverse link, a transmission power level.

Knutsson is seen to be generally directed to adjusting output power offsets between signals transmitted from a base station to a remote station. *See* Knutsson, Abstract. As conceded in the Office Action, Knutsson fails to disclose that power control instruction is received on a common channel. Accordingly, Knutsson could not possibly disclose or suggest determining and/or adjusting a power for transmission.

Chen is not seen to remedy the foregoing deficiency of Knutsson. Chen is seen to be generally directed to transmitting over a forward link in a CDMA communications system. *See* Chen, Abstract. Specifically, Chen discloses a slot structure including "three Forward Shared Power Control Channels (F-SHPCCH)." Chen, ¶ [0110]. Nowhere, however, is Chen seen to disclose *adjusting* and/or *determining* a power level for transmission of a power control instruction. Furthermore, Chen could not possibly disclose or suggest adjusting and/or determining the power level for transmission of a power control instruction in response to receiving power control instruction received on a reverse link, as in claim 8. Accordingly, even the hypothetical combination of Knutsson and Chen is not seen to disclose or suggest the features of independent claims 4, 5 and 8.

In view of the foregoing, independent claims 4, 5 and 8 are believed to be patentably distinguishable over the applied references, and reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of these claims are respectfully requested.

Independent claims 17, 23 and 26 recite similar features to those described above, and are also believed to be novel over Knutsson and Chen for at least the reasons provided herein.

The other claims currently under consideration in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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By: /Dang M. Vo/  
Dang M. Vo, Reg. No. 45,183  
(858) 845-2116

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 651-4125  
Facsimile: (858) 658-2502